

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

IN RE KRAFT HEINZ SECURITIES
LITIGATION

Case No. 1:19-cv-01339

Honorable Robert M. Dow, Jr.

**PLAINTIFFS' UNCONTESTED MOTION TO SET BRIEFING SCHEDULE
REGARDING PLAINTIFFS' MOTION FOR LIMITED RELIEF
FROM THE PSLRA DISCOVERY STAY**

Lead Plaintiffs Sjunde AP-Fonden (“AP7”) and Union Asset Management Holding AG (“Union”), together with additional named Plaintiff Booker Enterprises Pty Ltd. (collectively, “Plaintiffs”), through their undersigned counsel, move this Court for an Order setting the briefing schedule regarding Plaintiffs’ Motion for Limited Relief from the Private Securities Litigation Reform Act (“PSLRA”) Discovery Stay reflected in the Stipulation and [Proposed] Order submitted herewith.

On January 6, 2020, Plaintiffs filed the Consolidated Class Action Complaint (ECF No. 179). On March 6, 2020, Defendants in the above-captioned action filed their Motions to Dismiss the Consolidated Class Complaint (ECF Nos. 215, 217).

A related consolidated shareholder derivative action—captioned *In re The Kraft Heinz Co. Derivative Litigation*, C.A. 2019-0587-AGB (Del. Ch.) (the “Delaware Derivative Action”)—is currently pending in the Court of Chancery of the State of Delaware. On February 7, 2020, one of the shareholder plaintiffs in that case filed a derivative complaint that included numerous allegations describing, or otherwise based on, documents Defendant The Kraft Heinz Company (“Kraft Heinz”) produced to that plaintiff in response to its shareholder demand for inspection pursuant to 8 Del. C. § 220. Those allegations were redacted in the publicly filed version of the derivative complaint pursuant to an agreement between the parties.

On May 15, 2020, Defendant Kraft Heinz filed a motion in the Delaware Court of Chancery for continued confidential treatment of the derivative complaint. Along with its motion, Kraft Heinz filed a proposed amended public version of the complaint that unredacted a number of the derivative complaint's previously sealed allegations.

In response to the unsealing of the derivative complaint's allegations, on June 15, 2020 Plaintiffs filed an Uncontested and Agreed-to Motion for Leave to Amend the Consolidated Class Action Complaint and to Modify Subsequent Briefing Deadlines (ECF Nos. 261, 261-1). The [Proposed] Order attached thereto calls for Plaintiffs to file the First Amended Consolidated Class Action Complaint 45 days from the entry of the [Proposed] Order.

On June 19, 2020, Plaintiffs intend to file a Motion for Limited Relief from the PSLRA Discovery Stay (the "Motion"), seeking to obtain copies of documents and other information already gathered, reviewed, and produced by Kraft Heinz in connection with the recently-filed consolidated derivative actions pending before this Court, *In re Kraft Heinz Shareholder Derivative Litigation*, No. 20-cv-02259 ("Consolidated Derivative Action"), and in the Delaware Derivative Action (collectively, the "Derivative Cases").

The parties have met and conferred as to the proposed briefing schedule for the Motion and agreed upon the schedule set forth in the attached Stipulation and [Proposed] Order Setting Briefing Schedule Regarding Plaintiffs' Motion for Limited Relief from the PSLRA Discovery Stay.

Plaintiffs respectfully request the Court grant their motion to set the briefing schedule and to order the attached Stipulation and [Proposed] Order.

Dated: June 17, 2020

Respectfully submitted,

**KESSLER TOPAZ MELTZER
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/s/ Sharan Nirmul

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